IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Bail Appl..No. 4749 of 2007

(CRIME NO. 394/2007 OF HOSDURG POLICE STATION PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE I COURT, HOSDURG)

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PETITIONER/ACCUSED:

A.P.ABOOBACKER,S/O. ABDULLA, AGED 39 YEARS, PUNCHAVI, SADDAM MUKKU,OZHINJA VALAPPU, KANHANGAD.

BY ADV. SRI.SURESH KUMAR KODOTH.

RESPONDENT/STATE:

THE STATION HOUSE OFFICER, HOSDURG POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/08/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4749 OF 2007

Dated this the 6th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.489-B & C of the IPC. On 10/7/07 at 1 p.m. the petitioner was found to keep in his possession 14 counterfeit currency notes of Rs.500/- denomination. He was allegedly attempting to remit the same in his account in a Co-operative Bank at Hosdurg. Suspicions were aroused. Police was informed. The 14 currency notes of Rs.500/- denomination were seized. A search of his work premises led to the recovery of 45 more of such fake currency notes. A crime has been registered. Investigation is in progress. The petitioner continues in custody from the date of his arrest i.e. 10/7/07.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His possession of the said currency notes was innocent. He did not have the

contumacious mental state. His daughter is sick. He was trying to raise amounts for an urgent surgery to save her life. He has solicited help from the public. This is the manner in which he attempts to explain possession of such counterfeit currency notes.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor points out that the petitioner's explanation when he was interrogated by the police was entirely different. At any rate, it is too early to direct the release of the petitioner on bail. Investigation is at an initial stage. The petitioner may not now be enlarged on bail, it is prayed.

4. I find merit in the opposition by the learned Public Prosecutor. In the facts and circumstances to which I have made a brief reference already, I am not at all persuaded to agree that the petitioner is entitled to be released on bail at this early stage of investigation. Considering the nature and gravity of the allegations and the stage of investigation, I am of opinion that the petitioner cannot be released on bail at this stage.

5. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move the learned Magistrate, the learned Sessions Judge or this Court for bail

again at a later stage of the investigation – not, at any rate, prior to 20/8/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge